

MONDAY, April 27, 1891.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Farmer, Hammond, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—26.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

On motion of Mr. Kirk, Senator Rogers was excused from attendance for the day.

A message was received from the House of Representatives.

#### INTRODUCTION OF BILLS.

By Mr. Wolfe:

Senate Bill No. 129:

To be entitled an act to amend the title and section 4 of an act entitled an act to provide for the payment of a capitation or poll tax as a pre-requisite for voting, and prescribing the duties of tax collectors and supervisors of registration in relation thereto, being Chapter 3850, Laws of Florida, approved May 25, 1889.

Mr. Wolfe moved that the rules be waived and that Senate bill No. 129 be read the first time by its title;

Which was agreed to by a two-thirds vote and Senate Bill No. 129 was read first time by its title and referred to the Committee on Judiciary.

By Mr. Myers:

Senate bill No. 130:

To be entitled an act to continue the rights, privileges, powers, franchises and grants of the St. Cloud Sugar Belt Railway Company, and to extend the time for the completion of the same.

Mr. Myers moved that the rules be waived and that Senate bill No. 130 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 130 was read first time by its title and referred to the Committee on Railroads and Telegraphs.

By Mr. Hammond (by request):

Senate bill No. 131:

To be entitled an act to abolish days of grace upon bills of exchange, promissary notes and other negotiable instruments.

Mr. Hammond moved that the rules be waived and that Senate bill No. 131 be read first time by its title;

Which was agreed to by a two-thirds vote and Senate bill No. 131 was read first time by its title and referred to the Committee on Judiciary.

By Mr. Yancey (by request):

Senate bill No. 132:

To be entitled an act to establish and protect the maternal rights of married women.

Mr. Yancey moved that the rules be waived and that Senate bill No. 132 be read first time by its title and referred to the Committee on Judiciary;

Which was agreed to by a two-thirds vote, and Senate bill No. 132 was read first time, by its title, and referred to the Committee on Judiciary.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,  
TALLAHASSEE, FLA., April 27, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted House Concurrent Resolution relative to Memorial Day,

And respectfully ask the concurrence of the Senate thereto.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk of the House of Representatives.

Mr. Brown moved that the rules be waived and that House concurrent resolution relative to memorial day be read the second time;

Which was agreed to.

The following concurrent resolution relative to Memorial Day was read:

House Concurrent Joint Resolution offered by Mr. Bogue of Duval:

WHEREAS, The Memorial Day for the Confederate soldiers who gave their lives to the Confederate cause occurred on

Sunday and there was no opportunity for the Legislature as a body to show their respect for this sacred service; and

WHEREAS, The brave men who gave their lives to their country, whether upon the Confederate or Union side, and enrolled in the "noble army of martyrs whose praise the church and all mankind chants in sacred music through the centuries and all history records with honor and respect; therefore

*Resolved*, That in honor of the Confederate dead and of their heroic courage and their sufferings and sacrifice, the Senate and the House will adjourn on the conclusion of the joint ballot until Tuesday, 10 a. m.

Mr. Broome moved that the resolution be adopted;

Which was agreed to, and the resolution was adopted.

Mr. Broome moved that the rules be waived and that the resolution be certified to the House at once;

Which was agreed to by a two-thirds vote and the resolution was so certified.

By permission, Mr. Wall introduced—

Senate bill No. 133:

To be entitled an act giving to the county judges jurisdiction to grant letters of guardianship over the persons and property of lunatics and idiots.

Mr. Wall moved that the rules be waived, and that Senate bill No. 133 be read first time by its title;

Which was agreed to by a two-thirds vote, and Senate bill No. 133 was read first time by its title and referred to the Committee on Judiciary.

Mr. Wolfe moved that the rules be waived and that the Senate take up bills on their third reading;

Which was agreed to and so ordered.

#### CONSIDERATION OF BILLS ON THIRD READING.

Senate Bill No. 3:

To be entitled an act to amend section 1 of Chapter 3132, of the Laws of Florida, entitled an act to amend section 1 of Chapter 3010 of the Laws of Florida, entitled an act to amend section 2, Chapter 1628, Laws of Florida, relating to jurors and to repeal Chapter 2049, Laws of Florida, approved February 20, 1875,

Was read third time and put upon its passage.

Mr. Coulter asked and was granted unanimous consent to have the word "effect" in the body of the bill changed to "affect."

Upon the passage of Senate bill No. 3, the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Farmer, Hammond, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—25.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Senate bill No. 72:

To be entitled an act to amend an act entitled an act to provide an annuity for disabled soldiers and sailors of the State of Florida.

Mr. Baya moved that the bill be recommitted to the Committee on Engrossed Bills;

Which was agreed to and so ordered.

Pending further consideration of the bills on their third reading—

A message was received from the House of Representatives.

Senate bill No. 65:

To be entitled an act to change the name of Sand Fly Point in the County of Duval, State of Florida,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—25.

Nays—None.

So the bill passed, title as stated, and so ordered certified to the House of Representatives.

Senate bill No. 75:

To be entitled an act for the relief of the Gainesville Guards, Was read third time and put up its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—25.

Nay—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Senate bill No. 37:

To be entitled an act to insure the assessment and aid in the collection of taxes upon all bonds, mortgages, notes, certificates

of deposit or other evidences of indebtedness subject to taxation,

Was read third time and put upon its passage.

Mr. Borden asked and was granted unanimous leave to change the word "mention" in the body of the bill to "mentioned."

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Johnson, King, Pirrong, Swearingen, Wolfe and Yancey—16.

Nays—Messrs. Kirk, Myers, Smith of 31st, Thomas and Wadsworth—5.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Senate bill No. 76:

To be entitled an act in relation to the placing, constructing or maintaining of obstructions in streams upon which there are mills.

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Bryant, Calhoun, Crosby, Drake, Farmer, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wolfe and Yancey—22.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Pending further consideration of bills upon their third reading—

On motion of Mr. King, Col. J. H. Humphries, of Braidentown, was invited to a seat upon the floor of the Senate.

Mr. Summers asked and was granted unanimous consent to introduce a resolution, which was read as follows:

*Resolved*, That the Committee on City and County organization be, and they are hereby empowered to employ a clerk.

Mr. Summers moved that the rules be waived and that the resolution be considered at once:

Which was agreed to by a two-thirds vote and the resolution was taken up and read a second time.

Mr. Summers moved that the resolution be adopted:

Which was agreed to and the resolution was adopted.

Mr. King asked and was granted unanimous consent to introduce a resolution, which was read as follows:

*It is hereby resolved by the Senate, the House concurring*, That a committee, consisting of two from the Senate and three

from the House, be appointed to examine the convict camps of the State and to report their action to the Senate.

Mr. King moved that the resolution go over under the order of business until to-morrow;

Which was agreed to and so ordered.

Mr. Baya moved that the vote by which Senate bill No. 37 passe be reconsidered:

Which motion went over under the rules until to-morrow.

By permission, Mr. Yancey, Chairman of the Committee on Judiciary, submitted the following report:

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 27, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was referred—Senate bill No. 105:

To be entitled an act to establish a Criminal Court of Record in the county of Monroe, prescribing its jurisdiction and powers, and regulating its proceedings and providing for the judge and officers thereof,

Have had the same under consideration, and recommend that it do pass.

Very respectfully,

D. H. YANCEY,  
Chairman of Committee.

By permission, Mr. Bristol, Chairman of the Committee on Claims, submitted the following report:

SENATE CHAMBER, }  
TALLAHASSEE, FLA., April 25, 1891. }

HON. J. B. BROWNE,

*President of the Senate:*

SIR—Your Committee on Claims, to whom was referred—Senate bill No. 59:

Entitled an act for the relief of the estates of P. B. Brokaw, John McDougall, B. C. Lewis and William Bailey,

Have had the same under consideration and beg leave to report unfavorably on the bill, for the following reasons, viz:

By the provisions of Chapter 3930, Laws of 1889, a commission was appointed by the Governor to examine as to the correctness of all the Seminole Indian war claims, those mentioned in the above bill being of the number, and when examined and approved by said commission, are deposited in the

Comptroller's office, and to be paid as provided in said law.  
Hence no necessity exists for the proposed law.

Very respectfully,

W. H. BRISTOL,  
Chairman of Committee.

House bill No. 8:

To be entitled an act defining the liabilities of railroad companies in certain cases,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wolfe and Yancey—22.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Pending further consideration of bills on third reading.

A message was received from the House of Representatives.

Substitute for Senate Bill No. 61:

To be entitled an act to protect public bridges from injury by floating logs and drifts,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Bryant, Calhoun, Crosby, Drake, Farmer, Johnson, King, Kirk, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wolfe and Yancey—21.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Senate bill No. 73:

To be entitled an act to make husband and wife competent witnesses,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Bryant, Calhoun, Crosby, Drake, Farmer, Johnson, Kirk, Pirrong, Smith of 31st, Summers, Swearingen, Thomas Wadsworth, Wolfe and Yancey—19.

Nays—Mr. King—1.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Senate bill No. 51:

To be entitled an act for the relief of Wm. H. Trimmer, supervisor of registration for Escambia county,

Was read third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Borden, Bristol, Broome, Bryant, Calhoun, Crosby, Drake, Farmer, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wolfe and Yancey—21.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Senate bill No. 38:

To be entitled an act to amend section 4 and section 8, of an act entitled an act to incorporate the West Florida and Alabama Railroad Company, approved May 30, 1889.

Mr. Pirrong moved that the bill remain on its third reading, subject to call;

Which was agreed to, and so ordered.

Senate bill No. 99:

To be entitled an act to amend an act to protect females of immature age, and judgment from licentiousness,

Was read third time.

Mr. Summers moved that the bill be indefinitely postponed, stating that he wished to bring out a full and free discussion upon the subject matter.

Pending further consideration of which—

A committee from the House of Representatives appeared at the bar of the Senate and notified the Senate that the House was ready to receive them in joint session.

The committee thereupon retired.

Mr. Summers asked and was granted leave of absence until Friday morning, May 1, 1891.

The President announced that the hour of 12 M. had arrived and the Senate would now proceed to the House of Representatives' hall.

The Senate thereupon marched in a body to the hall of the House of Representatives and was received by the House.

TWELVE O'CLOCK M.

JOINT SESSION, April 27, 1891.

At 12 o'clock the Senate entered the hall of the House of Representatives and was received by the House.

President Browne in the chair.

The President ordered the Secretary of the Senate to call the roll of the Senators.

Upon call of the roll the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Johnson, King, Kirk, Myers, Pirrong, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—27.

A quorum present.

By request of the President, the Speaker of the House ordered the roll of the House called.

Upon call of the roll the following members answered to their names:

Mr. Speaker, Messrs. Akinson, Baker, Bates, Berry, Bethel, Beville, Blitch of Marion, Blitch of Levy, Bogue, Brown, Buford, Canty, Carleton, Carter, Carson, Clark, Coulter, Dimick, Dykes, Goode, Haddock, Hicks, High, Hocker, Hollinger, Hutchinson, Jenkins, Johns, King, Lavender, Mays, McCaskill, McRae, McSwain, Monroe, Morgan, Morris, Newlan, Overstreet, Parker, Peacock, Pittman, Priest, Richbourg, Robertson, Rye, Saulsbury, Shine, Sparkman, Stapler, Summerlin, Thompson, Turnbull, Usina, Vaughn, Whitehurst, Whitner, Wilson and Young—60.

A quorum present.

Mr. Summerlin moved that the reading of the Journals of the Senate and House in joint session held April 24, 1891, be dispensed with;

Which was agreed to and so ordered.

Mr. Wolfe moved that the joint session proceed to vote for a United States Senator;

Which was agreed to, and so ordered.

The vote of the Senate was:

For Mr. Call—Messrs. Bryant, Calhoun, Coulter, Crosby, Swearingen, Thomas, Wadsworth and Wolfe—8.

For Mr. Speer—Messrs. Borden, Bristol, Johnson, and Kirk—4.

For T. A. LaFar—Mr. President—1.

For E. M. Hammond—Messrs. Baya, Brett, Broome, Farmer and King—5.

For W. H. Bristol—Messrs. Drake and Myers—2.

For T. J. Appleyard—Mr. Hammond—1.

For J. K. Jones—Mr. Pirrong—1.

For W. W. Dewhurst—Mr. Smith of 31st—1.

For T. F. Swearingen—Mr. Summers—1.

For G. P. Raney—Mr. Wall—1.

For Tom Costa—Mr. Wilkinson—1.

On call of roll Mr. Yancey stated that he was paired with

Mr. Rogers, but that if Mr. Rogers was present that gentleman would vote for Mr. Speer and he, Mr. Yancey, would vote for Mr. Call.

The vote of the House was:

For Mr. Speer—Messrs. Baker, Beville, Blitch of Marion, Jenkins, McRae and McSwain—6.

For Mr. Call—Mr. Speaker, Messrs. Berry, Brown, Buford, Carleton, Carson, Dykes, Hicks, Johns, Lavender, McCaskill, Morgan, Peacock, Pittman, Priest, Stapler, Summerlin, Wilson and Young—19.

For Blauk—Mr. Newlan—1.

For Mr. LaFar—Mr. Usina—1.

For E. C. Love—Mr. Bates—1.

For Jeff B. Browne—Messrs. Bethel, Sparkman and Thompson—3.

For Bill Smith—Mr. Blitch of Levy—1.

For Ben Hopkins—Mr. Bogue—1.

For F. E. Bogue—Messrs. Canty and Dimick—2.

For Geo. P. Raney—Messrs. Carter, Coulter and Hocker—3.

For O. T. Stanford—Messrs. Clark and Parker—2.

For R. P. Carleton—Mr. Haddock—1.

For Nick Barco—Mr. High—1.

For J. W. Winthrop—Messrs. Hollinger and Turnbull—2.

For Mr. Saulsbury—Messrs. Hutchinson and Monroe—2.

For James E. Broome—Mr. Mays—1.

For J. L. Gaskins—Mr. Overstreet—1.

For F. P. Fleming—Mr. Richbourg—1.

For W. D. Barnes—Mr. Robertson—1.

For E. J. Vann—Mr. Rye—1.

For Mr. Calhoun—Mr. Saulsbury—1.

For R. W. Davis—Mr. Shine—1.

For S. R. Mallory—Mr. Vaughn—1.

For E. M. Hammond—Mr. Whitehurst—1.

For Mr. Burford—Mr. Whitner—1.

The Secretary announced that the total number of votes cast for United States Senator was 83.

Of which—

Mr. Call received 27 votes.

Mr. Speer received 10 votes.

Mr. Hammond received 6 votes.

Dr. LaFar received 2 votes.

G. P. Raney received 4 votes.

W. H. Bristol received 2 votes.

Mr. Appleyard received 1 vote.

W. W. Dewhurst received 1 vote.

J. K. Jones received 1 vote.

T. F. Swearingen received 1 vote.  
 Tom Costa received 1 vote.  
 O. T. Stanford received 2 votes.  
 F. P. Fleming received 1 vote.  
 W. D. Bloxham received 1 vote.  
 R. A. Burford received 1 vote.  
 S. R. Mallory received 1 vote.  
 R. W. Davis received 1 vote.  
 Mr. Calhoun received 1 vote.  
 E. J. Vann received 1 vote.  
 W. D. Barnes received 1 vote.  
 J. L. Gaskins received 1 vote.  
 James E. Broome received 1 vote.  
 Bill Smith received 2 votes.  
 Mr. Saulsbury received 2 votes.  
 J. Winthrop received 1 vote.  
 Nick. Barco received 1 vote.  
 R. P. Carleton received 1 vote.  
 T. E. Bogue received 2 votes.  
 Ben Hopkins received 1 vote.  
 Jeff B. Browne received 3 votes.  
 E. C. Love received 1 vote.  
 Blank received 1 vote.  
 The President declared there was no election.  
 Mr. Hammond moved that the joint session adjourn until 12 o'clock to-morrow;  
 Which was agreed to.  
 Whereupon the Senate withdrew to its chamber.  
 At 12:34 P. M. the Senate resumed its session.

12:34 O'CLOCK.

The Senate met.  
 The President in the chair.  
 The Chair announced that by the adoption of House Concurrent Resolution relative to Memorial Day, the Senate stood adjourned until 10 o'clock Tuesday morning, April 28, 1891.

TUESDAY, April 28, 1891.

The Senate met pursuant to adjournment.  
 President pro tem. Swearingen in the chair.  
 The roll was called and the following Senators answered to their names:

Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe and Yancey—29.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

The Secretary called attention to the following correction to be made in the Journal of Saturday, April 25, 1891, to-wit:

Correct in the printed Journal of Saturday, the 25th day of April, 1891, in the third column, 22d line from top of said column,

Senate bill No. 31:

To be entitled an act to amend sections 1 and 2 of an act entitled an act relating to jurors, approved August 1, 1868,

Was read second time in full, together with the amendments offered by the Committee on Judiciary,

To read:

Substitute for Senate bill No. 9:

To be entitled an act to prohibit the sale or giving or furnishing or providing to minors cigarette, cigarette tobacco, cigarette paper, or any substitutes therefor, and to provide penalties for a violation of the same,

Was read second time in full, together with the amendments offered by the Committee on Judiciary.

Mr. Yancey moved that the Journal be corrected accordingly;

Which was agreed to by a two-third vote and so ordered.

## INTRODUCTION OF RESOLUTIONS.

Mr. Kirk introduced the following resolution:

*Resolved*, That the Chairman of the Committee on Engrossed Bills be empowered, when necessary, to employ clerical aid.

Mr. Kirk moved that the resolution be adopted;

Which was agreed to and the resolution was adopted.

Mr. Baya offered the following resolution:

*Resolved*, That committees shall give the matter of print-